



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,107	11/09/2001	Nicholas V. Iuppa	01-592-US	2941

7590 08/19/2003

LOUIS A. DEPAUL
Reed Smith LLP
P.O. Box 488
Pittsburgh, PA 15230-0488

EXAMINER

HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
----------	--------------

3714

DATE MAILED: 08/19/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,107

Applicant(s)

FAST ET AL.

Examiner

Chanda L. Harris

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-6, 9-10. 6) ☐ Other:

DETAILED ACTION

Status of Claims

In response to the Preliminary Amendment filed on 7/15/02, matched with the file after the mailing of a first office action, Claims 1-92 are pending.

Information Disclosure Statement

The information disclosure statement filed 12/13/02 fails to comply with 37 CFR 1.98(a)(2), which requires **a legible copy** of each U.S. and foreign patent; **each publication** or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Please refer to the citations that have line drawn through them.

Specification

The use of the trademarks, APACHE and SHOCKWAVE have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-17, 19-22, 24-27, 29-40, 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook et al. (US 5,727,950).

1. [Claims 1,11,21,26,38,40,53]: Regarding Claims 1,11,21, 26, 38, 40, and 53, Cook discloses generating or providing simulation content. See Col.31: 27-32. Cook discloses delivering the simulation content (via materials engine) to one or more participants via a computer network. See Col.8: 5-10 and Col.10: 45-50. Cook discloses generating a representation of expected responses (e.g. expected time to complete) to the simulation content. See Col.13: 46-64 and Col.14: 8-16. Cook discloses monitoring the one or more participants' responses to the simulation content (i.e. instruction). See Col.12: 20-23. Cook discloses providing feedback to the one or more participants. See Col.5: 46-48. Cook discloses comparing the one or more participants' responses with the representation of expected responses to the simulation content (e.g. whether the answer is completely wrong or only a near miss). See Col.13: 51-61. Cook discloses altering the simulation content (i.e. instruction) in response to the one or more participants' responses. See Col.12: 38-51. Cook discloses providing

Art Unit: 3714

feedback (i.e. the agent managing and controlling the materials to the student's pedagogic characteristics) to one or more participants based upon pedagogical goals (i.e. objectives) of the simulation. See Col.6: 57-64 and Col.49: 1-8.

2. [Claims 2,12,22,27,32]: Regarding Claims 2,12, 22, 27, and 32, Cook discloses generating one or more synthetic characters (e.g. agent, personae, actors). See Col.5: 64-Col.6: 12.

3. [Claims 3,13]: Regarding Claims 3 and 13, Cook discloses wherein the feedback is provided by the one or more synthetic characters. See Col.5: 46-48.

4. [Claims 4,14]: Regarding Claims 4 and 14, Cook discloses wherein the one or more synthetic characters are used to alter the simulation content. See Col.6: 57-64.

5. [Claims 5,15]: Regarding Claims 5 and 15, Cook discloses wherein the feedback is provided by an instructor (i.e. agent). See Col.5: 46-48, Col.5: 64-Col.6:12, and Col.6: 57-64.

6. [Claims 6, 16]: Regarding Claims 6 and 16, Cook discloses generating a representation of expected responses (e.g. expected time to complete) to the simulation content. Cook discloses alerting an instructor of the one or more participants' responses when the one or more participants' responses deviate from the representation of the expected responses to the simulation content. See Col.13: 46-64 and Col.14: 8-16.

7. [Claims 7,17]: Regarding Claims 7 and 17, Cook discloses altering the simulation content (i.e. instruction) in response to the one or more participants' responses. See Col.12: 38-51.

Art Unit: 3714

8. [Claims 9,19,24,29,37]: Regarding Claims 9,19, 24, 29, and 37, Cook discloses delivering immersive audio to the one or more participants (e.g. via movies, audible display items, voice, etc.). See Col.11: 67-Col.12: 3.
9. [Claims 10,20,25,30]: Regarding Claims 10,20, 25, and 30, Cook discloses wherein the computer network comprises the Internet. See Col.6: 55-56.
10. [Claim 31]: Regarding Claim 31, Cook discloses a database containing simulation content. See Col.21: 64-66. Cook discloses one or more participant workstations (i.e. network connected computers) and one or more participant interfaces connecting the web server to the respective one or more participant workstations. See FIG.1 and Col.5: 12-17. Cook discloses a web server for delivering the simulation content to the one or more participant workstations. See Col.6: 50-56. Cook discloses an instructor interface for displaying information to an instructor and receiving input from the instructor (i.e. teacher/administrator, agent, instructional designer). See Col.29: 41-Col.31-34. Cook discloses an artificial intelligence engine (i.e. materials engine) for analyzing input into the one or more participant workstations and altering the simulation content in response to the input. See Col.11: 22-28 and Col.9: 26-29.
11. [Claim 33]: Regarding Claim 33, Cook discloses wherein the one or more synthetic characters are represented by digital video. See Col.6: 13-20. Digital video would be an inherent feature of Cook's invention.
12. [Claims 34-35]: Regarding Claims 34 and 35, Cook discloses wherein the one or more synthetic characters are represented by one or more static photographs (i.e.

graphics) and wherein the one or more synthetic characters are represented by a plurality of articulation photographs (i.e. animation). See Col.6: 18-20.

13. [Claim 36]: Regarding Claim 36, Cook discloses one or more authoring tools for generating additional simulation content. See Col.12: 28-34.

14. [Claim 39]: Regarding Claim 39, Cook discloses a system activity database for logging information generated in response to the simulation content (i.e. materials specific progress data). See Col.15: 6-8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8,18,23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Siegel (US 2003/0014400).

[Claims 8,18,23,28]: Regarding Claims 8,18, 23, and 28, Cook does not disclose expressly wherein the simulation content depicts military scenarios. However, Siegel discloses scenarios that teach 'soft skills' such as judgment, strategic thinking, and problem-solving on p.4, [0063]. Military scenarios fall into this category. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate military scenarios into the method and system of Cook, in light of the teaching of Siegel, in order to teach judgment, strategic thinking, and problem-solving.

Claims 41,54,66-67,74-75, and 83-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Hale (US 2001/0049087).

1. [Claims 41, 54]: Regarding Claims 41 and 54, Cook does not disclose expressly wherein the step of providing simulation content comprises providing dramatic character driven story based simulation content (i.e. create and act out plays). However, Hale teaches such on p.12, [0119]. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Cook, in light of the teaching of Hale, in order to allow students to use their creativity in building a three-dimensional world.

2. [Claims 66,74,83]: Regarding Claims 66,74, and 83, Cook discloses providing simulation content. See Col.31: 27-32. Cook discloses generating a representation of expected responses (e.g. expected time to complete) to the simulation content. See Col.13: 46-64 and Col.14: 8-16. Cook discloses delivering the simulation content (via materials engine) to one or more participants via a computer network. See Col.8: 5-10 and Col.10: 45-50. Cook discloses monitoring the one or more participants' responses to the simulation content (i.e. instruction). See Col.12: 20-23. Cook discloses comparing the one or more participants' responses with the representation of expected responses to the simulation content (e.g. whether the answer is completely wrong or only a near miss). See Col.13: 51-61. Cook discloses altering the simulation content (i.e. instruction) in response to the one or more participants' responses. See Col.12: 38-51. Cook discloses a database containing simulation content (i.e. instructional

Art Unit: 3714

materials.). See Col.18: 30-32. Cook discloses one or more participant workstations (i.e. network computers or multimedia PCs). See Col.7: 59-67. Cook discloses a web server (i.e. World Wide Web) for delivering the simulation content to the one or more participant workstations. See Col.6: 50-56. Cook discloses an instructor interface (i.e. teacher/administrator-system interface) for displaying information to an instructor and receiving input from the instructor. See Col.29: 41-Col.31: 20. Cook discloses one or more participant interfaces (i.e. student-system interface) connecting the web server to the respective one or more participant workstations. See Col.23: 29-Col.24: 2. Cook discloses an artificial intelligence engine (i.e. agent software) for analyzing input into the one or more participant workstations and altering the simulation content in response to input. See Col.9: 26-29.

Cook does not disclose expressly altering the simulation content based upon dramatic goals of the simulation. However, Hale teaches altering (e.g. embedding various earth science facts) the simulation content based upon dramatic goals (e.g. to teach earth science) of the simulation. See p.10, [01200]. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Cook, in light of the teaching of Hale, in order to provide students with a more expressive learning environment.

3. [Claims 67,75,84]: Regarding Claims 67,75, and 84, Cook does not disclose expressly wherein the step of providing simulation content comprises providing dramatic character driven story based simulation content (i.e. create and act out plays).

However, Hale teaches such on p.12, [0119]. Therefore, at the time of the invention, it

Art Unit: 3714

would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Cook, in light of the teaching of Hale, in order to allow students to use their creativity in building a three-dimensional world.

Claims 42-49, 51-52, 55-62, 64-65, 68-70, 72-73, 76-78, 80-82, and 85-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook/Hale as applied to claims 41, 54, 67,75,84 above, and further in view of Vronay (US 2003/0048289).

1. [Claims 42,55,68,76,85]: Regarding Claims 42,55, 68, 76, and 85, Cook/Hale does not disclose expressly wherein the dramatic goals are based on classic rules of cinematic storytelling. However, Vronay teaches dramatic goals (i.e. forming multimedia productions or movies from the display of images) based on classic rules of cinematic storytelling (i.e. conventional cinematic rules). See Abstract, p.1, [0008], p.3, [0050]. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Cook/Hale, in light of the teaching of Vronay, in order to ensure that the resulting multimedia production conforms to conventional cinematic practices.

2. [Claims 43,56,69,77,86]: Regarding Claims 43,56, 69, 77, and 86, Cook discloses wherein the step of delivering the simulation content comprises using multimedia technologic for creating a realistic environment (e.g. emulate a human tutor). See Col.10: 32-35.

Art Unit: 3714

3. [Claims 44,57,70,78,88]: Regarding Claims 44,57, 70, 78, and 88, Cook discloses generating one or more synthetic characters (e.g. agent, personae, actors). See Col.5: 64-Col.6: 12.
4. [Claims 45,58]: Regarding Claims 45 and 58, Cook discloses wherein the feedback is provided by the one or more synthetic characters. See Col.5: 46-48.
5. [Claims 46,59]: Regarding Claims 46 and 59, Cook discloses wherein the one or more synthetic characters are used to alter the simulation content. See Col.6: 57-64.
6. [Claims 47,60]: Regarding Claims 47 and 60, Cook discloses wherein the feedback is provided by an instructor (i.e. agent). See Col.5: 46-48, Col.5: 64-Col.6:12, and Col.6: 57-64.
7. [Claims 48, 61]: Regarding Claims 48 and 61, Cook discloses generating a representation of expected responses (e.g. expected time to complete) to the simulation content. Cook discloses alerting an instructor of the one or more participants' responses when the one or more participants' responses deviate from the representation of the expected responses to the simulation content. See Col.13: 46-64 and Col.14: 8-16.
8. [Claims 49,62]: Regarding Claims 49 and 62, Cook discloses altering the simulation content (i.e. instruction) in response to the one or more participants' responses. See Col.12: 38-51.
9. [Claims 51,64,72,80]: Regarding Claims 51,64, 72, and 80, Cook discloses delivering immersive audio to the one or more participants (e.g. via movies, audible display items, voice, etc.). See Col.11: 67-Col.12: 3.

Art Unit: 3714

10. [Claims 52,65,73,81]: Regarding Claims 52,65, 73, and 81, Cook discloses wherein the computer network comprises the Internet. See Col.6: 55-56.

11. [Claims 82,87]: Regarding Claims 82 or 87, Cook discloses wherein the simulation is a gaming simulation (i.e. simulation games) or gaming simulation content. See Col.53, Table 5.

12. [Claim 89]: Regarding Claim 89, Cook discloses wherein the one or more synthetic characters are represented by digital video. See Col.6: 13-20. Digital video would be an inherent feature of Cook's invention.

13. [Claims 90-91]: Regarding Claims 90-91, Cook discloses wherein the one or more synthetic characters are represented by one or more static photographs (i.e. graphics) and wherein the one or more synthetic characters are represented by a plurality of articulation photographs (i.e. animation). See Col.6: 18-20.

14. [Claim 92]: Regarding Claim 92, Cook discloses one or more authoring tools for generating additional simulation content. See Col.12: 28-34

Claims 50,63,71 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook/Hale/Vronay as applied to claims 43, 57, 69,77 above, and further in view of Siegel.

[Claims 50,63,71,79]: Regarding Claims 50,63, 71, and 79, Cook/Hale/Vronay does not disclose expressly wherein the simulation content depicts military scenarios. However, Siegel discloses scenarios that teach 'soft skills' such as judgment, strategic thinking, and problem-solving on p.4, [0063]. Military scenarios fall into this category. Therefore,

Art Unit: 3714

at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate military skills into the method and system of Cook/Hale/Vronay, in light of the teaching of Siegel, in order to teach judgment, strategic thinking, and problem-solving.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Arington et al. (US 2002/0127525)
 - distributive processing simulation
- Fleishman (US 2003/0008270)
 - computerized testing device
- Croteau et al. (US 2002/0182570)
 - computer-based quality enhancement training program
- Schwartz (US 2002/0059376)
 - interactive communication skill training
- Siddle (US 2003/0031986)
 - firearms training via the Internet
- Summers (US 2003/0031986)
 - management training simulation
- Greenfield et al. (US 6,105,046)
 - a storyform

- Knight et al. (US 5,767,551)
 - emotional modulation of a human personality
- Hon (US 6,074,213)
 - fractional process simulator
- Bajer et al. (US 2002/0072040)
 - training of a user to validate assumptions
- Zhou (US 2002/0124048)
 - multimedia story authoring system
- Darwent et al. (US 2002/0107721)
 - story-based organizational assessment system
- Williams et al. (US 2003/0060910)
 - creating a collaborative work over a digital network

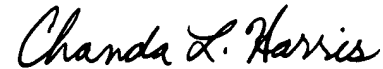
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Art Unit: 3714

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Chanda L. Harris
Examiner
Art Unit 3714

ch.
August 13, 2003